REMARKS

Reconsideration of the application is respectfully requested. Claims 1-37 were rejected. Claims 17-24 have been cancelled and replaced with new Claims 38-45 so as not to obfuscate the meaning of the claims with excessive amendment. Claims 38-45 recite embodiments of the invention that were described in the Specification as filed. Claims 1-3, 9-12, 25-26, 31-32 and 37 have been amended. Claims 1-16 and 25-45 are now pending, of which claims 1, 9, 25, 31 and 38 are independent.

§ 101 Rejection of the Claims

Claims 1-37 were rejected under 35 USC § 101 as not falling within one of the four categories of inventions. Applicant respectfully traverses this rejection, which should be withdrawn for at least the reasons set forth herein.

With respect to claims 1 and 31, the Examiner asserts tat the process must be tied to another statutory category such as a particular apparatus, or transform underlying subject matter. Claim 1 has been amended to more clearly recite that the process is computer implemented. Additional structure of the system is recited, such as the first computing node, a memory store to hold the sharing rule, etc. Further, the sending of a notification is a tangle and useful result and transforms matter in that the recipients had nothing and now have a notification. State transformations of the recipients' computing nodes are necessary for the recipient to receive the message notifications.

As for Claim 31, similar amendments have been made to more clearly recite the structure of the apparatus of the system. For instance, the sharing engine is to execute on the first computing node on a network of computing nodes. Further, the sending of the notification provides a useful and tangible result, as well as changing the state of both the sending and receiving nodes on the network.

As for Claim 9, the recited system now explicitly includes the computing nodes connected to a network, where the first computing node has a memory store for storing the sharing rule, where the sharing engine executes on the processor, etc. Further, the sharing engine is configured to send a notification — a useful and tangible result - which will change the state of both the sending and receiving nodes.

Claims 2-8, 10-16 and 32-37 are believed statutory based on the amendments to their respective parent claims.

The Examiner asserts that Claims 17 and 25 refer to only a computer program with descriptive material. Claim 38 (replacing 17) and 25 have been amended to more clearly recite the structure of the underlying system on which the instructions are to execute. The instructions provide the tangible result and state change corresponding to either sending a notification, or making the image accessible (available) to a recipient on another computing node. Moreover, the computer readable medium is limited to storage media, which as one of skill in the art will understand is tangible medium.

Claims 39-45 (replacing Claims 18-24) and Claims 26-30 are believed statutory based on the amendments to their respective parent claims.

§103 Rejection of the Claims

Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheridan (US Patent no. 5760917) in view of Stewart et al. (US Patent no. 6389460), and further in view of Albanese et al. (US Patent Application Publication no. 2006/0167985 A1). Applicant respectfully traverses this rejection, which should be withdrawn for at least the reasons set forth herein.

In the Response to Arguments section of the present Office Action (page 6), the Examiner asserts that

> "The applicant should also note that the claims are written broadly and, the interpretation is given broadly. The [sic] is no specific limitation that would lead one skilled in the art to differentiate between the scanner location of Sheridan and the applicant's claimed location."

Applicant respectfully disagrees. The specific limitation, in for instance, Claim 1, is "the location-identifying information <u>associated with a physical location of subjects and objects captured by the image</u>." Storing an image in memory coupled to the processor, where the image is associated with related location-identifying information, as described in the specification and

recited in the claim forms a structural limitation in the claim. The location-identifying information is very specific and is distinguishable from scanner location, as illustrated, at least by the following scenario.

Imagine that a user takes a camera on a road trip and stops in the following locations: Alexandria, VA, Arlington, VA, Washington, DC, and Springfield, VA. Suppose the user shoots photographs with an analog camera at each location and has the film developed at a camera shop in Springfield, VA. If the teachings of Sheridan are applied, then when the camera shop develops the film, they will also scan the negatives and apply the location of the scanner to the digital images. Thus, each image will be associated with Springfield, VA. Suppose that the user has a sharing rule that allows Friend-1 to see all pictures taken in Alexandria, VA and allows Friend-2 to see all pictures taken in Washington, DC. Unfortunately, all images will be associated with Springfield, VA – the scanner location. So, if the user uploads these images to the location-based sharing computer, neither friend will be able to see the images, as their location has not been entered properly (it will read as Springfield, VA). To correct this, the user will need to add and correlate the image subject location, when adding them to their computer. Thus, each image would have both scanner locations and the defined location-identifying information. Sheridan teaches only a location of the scanner, and no teaching or suggestion to correlate the image with the location that identifies where the picture was actually taken. This is the only scenario to which Sheridan can remotely apply, because a scanner is involved.

In the more likely scenario of the user taking pictures with a digital camera, no scanning is necessary. As described in the specification, the location identifying information for the subject location may be correlated to the image automatically, for instance, when the camera has a GPS built-in, or manually at any time. As the user travels to different locations in the D.C. Metro area, the location-identifying information may change for each image. Not only does the location-identifying information vary by image, but it is structurally different than scanner location by virtue of the fact that there is no scanner, and the meaning and function of the information is different. To apply Sheridan to the digital camera scenario is not only disingenuous, but is equivalent to applying a single location of the digital camera to all images – Sheridan teaches that a batch of photos are scanned at once on a single scanner and all have the same scanner location information.

On page 7 of the Office Action, the Examiner asserts that "the location where the object/subject was photographed is equivalent to the location where the image was scanned." As discussed above, this information is not equivalent. Scanner location cannot be substituted for image subject location and have the same effect. The Examiner proposes his own scenario where three friends scan three images at three different locations who want to share these three pictures based upon certain sharing rules. The Examiner then asks, "does claim 1 meet the need of these three friends? In other words, does it make a difference whether the pictures were taken at three different locations of [sic] scanned at the three different locations?" The answer is YES. It does make a difference. The reason, which should be obvious, is that the scanning location is irrelevant. The location-identifying information is related to the location of the image. For instance, if the picture is of the Washington Monument (the subject), the location-identifying information would be defined as Washington, DC, or 15th Street and Constitution Ave. NW, Washington, DC, or zip code 20024, a latitude and longitude, UTM defined location, or the like. The location where it was scanned is irrelevant to the claimed invention, and is VERY likely to be a different location. If three friends wanted to share all images that were scanned in at the camera shop in Springfield, VA, as described in the scenario above, the rules would need to look at a scanning location and not a subject image location. These two different locations could both be saved as associated data with the image, but how the scanning location is used is not recited in the claims, or disclosed in the specification.

The Examiner cites Albanese to "answer" the obvious question. However, Albanese, in the cited paragraphs, teach a method to allow access based on placing an image in a directory in Para. [0034] and by using tokens in Para. [0065]. Access control lists (ACLs) associated with directories have been implemented for many years. Having a token to grant access to a specific medium or file is also known. However, neither technique is remotely related to granting access based on sharing rules for content-specific contextual data, i.e., location-identifying information specifying the subject image location. Both the directory access and token access give access based on a location of the file or directory. The content of the files is not associated with the access. Nor is a scanning location relevant to the content of the photo.

In contrast, the location-identifying described and recited by applications is directly related to the content of the image file. The location is inherently linked to the actual subject of

the photo. Neither Sheridan, nor Albanese, use information that is related to the content of the file in a sharing rule.

While Sheridan does describe a "sharing rule," as asserted by the Examiner (Col. 4, lines 51-67, et seq.), the sharing rule does not function in the same manner as Applicant's claimed invention. The method in Sheridan requires the user to define access rights for each image, or sets of images. However, there is no discussion about automatically adding a file to a set based on content related information. Even if one assumes that all pictures taken in Washington, DC are to be a "set" of images applied to a sharing rule, Sheridan's method would seemingly require that images added to the medium require manual entrance into the set. In contrast, in Applicant's claimed invention, it is inherent that because the images have related location-identifying information that when an image taken in Washington, DC is added to the medium, it will <u>automatically</u> be part of the set of images associated with Washington, DC. Thus, adding images with this information obviates the necessity to manually add them to a set, or edit the sharing rules to accommodate the addition of one new image. Sheridan would require editing of the sharing rule to apply to each image, as it is added. Sheridan does not suggest the use of content related data (i.e., the subject image location) in the sharing rule. Thus, applying the teachings of Sheridan with the other cited art will not result in Applicant's claimed invention.

The Examiner asserts that Stewart teach physical location information. Stewart teaches locations where a data file is stored on the medium, for instance the directory. The term "object" is used in the cited reference, but is totally irrelevant to the "object of the image" or image "subject location." The *object* referred to is the actual storage device. However, the actual location of the storage device it completely irrelevant to a location related to the contents of the file, i.e., the location of the thing <u>in</u> the picture. The "subject" of the picture in the example given above is, for instance, the Washington Monument. If the user is in Albuquerque, NM, then the physical location of the medium will likely also be in New Mexico. However, the content of the image of the Washington Monument is the subject, i.e., the actual monument. The location identifying information will be Washington, DC, or the like, and <u>not</u> New Mexico. Thus, applying the teaching of Stewart to the other cited references, will not result in Applicant's claimed invention.

Independent Claims 1, 9, 25, 31 and 38 each require a sharing rule based on the location-identifying information associated with a <u>physical location of subjects and objects captured by the image</u>. None of the cited references use this type of content related information in a sharing rule. Media storage location, scanner location, and directory or file access lists as taught in the cited references are not content-related information. Applicant describes a new concept of how to define a sharing rule to result in image sharing based on the content of an image. The content <u>defines</u> the location, for obvious reasons. The Examiner has failed to set forth a *prima facie* case of obviousness, because none of the cited references, either alone or in combination, show all of the limitations of the recited claims. Further, when combined, the teachings of the references will not result in Applicant's invention. Therefore, all claims are believed to be in condition for allowance.

CONCLUSION

Applicant respectfully requests reconsideration in view of the remarks and amendments set forth above. If the Examiner has any questions, the Examiner is encouraged to contact the undersigned at **703-633-6845**. Please charge any shortage of fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0221 and please credit any excess fees to such account.

Respectfully submitted,

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